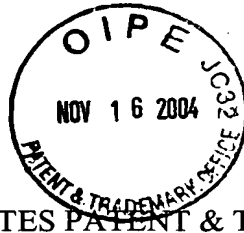


DOCKET NO: 246061US0CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
PIERRE-CHARLES ROMOND, ET AL. : ATTN: APPLICATION DIVISION
SERIAL NO: 10/722,555 :
FILED: NOVEMBER 28, 2003 : GROUP ART UNIT: 1645
FOR: METHOD FOR DETECTING :
MICRO-ORGANISMS

LETTER UNDER 37 CFR § 1.42

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Notice to File Missing Parts dated July 16, 2004, Applicants request
that the Office consider the following:

Remarks, which begin on page 2 of this paper.

REMARKS

A Declaration and Power of Attorney and Supplemental Application Data Sheet are filed concurrently herewith in response to the Notice to File Missing Parts dated July 16, 2004.

The second named inventor, Mr. Michel Renaud, is deceased. Thus, the second named inventor is unavailable to sign a Declaration and Power of Attorney for the above-identified application. In lieu of his signature, Mr. Renaud's legal representatives have signed the Declaration and Power of Attorney on his behalf, and are identified as his heirs: Johanne Renaud and Mathias Renaud.

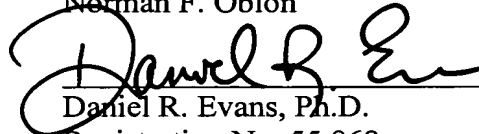
It is noted that the both Declaration and Supplemental Application Data Sheet contain the relationship between the deceased inventor, Mr. Michel Renaud, and his legal representatives and their respective citizenship information.

It is believed that the application is in a condition for examination on the merits. An early indication of the same is earnestly requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

A handwritten signature in black ink, appearing to read "Daniel R. Evans", is written over a horizontal line.

Daniel R. Evans, Ph.D.

Registration No. 55,868

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

Docket No. 246061US0CONT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Pierre-Charles ROMOND, et al.

SERIAL NUMBER: 10/722,555

ATTN: APPLICATION BRANCH

FILING DATE: November 28, 2003

FOR: METHOD FOR DETECTING MICRO-ORGANISMS

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the notification dated July 16, 2004, and in accordance with the provisions of 37 CFR 1.53(f),
Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable
action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Daniel R. Evans, Ph.D.

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ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A
NOTICE TO FILE MISSING
PARTS OF AN APPLICATION**

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

Re: Inventor: Pierre-Charles ROMOND, et al.
Serial No: 10/722,555
Filed: November 28, 2003
For: METHOD FOR DETECTING MICRO-ORGANISMS

SIR:

Attached hereto for filing are the following papers:

Request for Extension of Time (2 Months); Notice to File Missing Parts of Nonprovisional Application (Return Copy); Letter Under 37 CFR § 1.42; Filing of Declaration Under 37 CFR 1.53(f); Declaration and Power of Attorney (5 pp.) (Executed); Supplemental Application Data Sheet; Substitute Specification Under 37 CFR § 1.125; Substitute Specification (47 pp. 6 Drawing Sheets); Statement Under 37 CFR § 1.821(F)-(G); Sequence Listing (Paper 62 pp.); Computer Readable Sequence Listing (Diskette)

Our credit card payment form in the amount of \$1,620.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Daniel R. Evans, Ph.D.

Registration No. 55,868

Docket No. 246061US0CONT

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IFW ✓



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/722,555	11/28/2003	Pierre-Charles Romond	246061US0CONT

22850
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314



CONFIRMATION NO. 4974

FORMALITIES LETTER



OC000000013264085

Date Mailed: 07/16/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/17/2004 SSITHIB1 00000079 150030 10722555

FILED UNDER 37 CFR 1.53(b)

02 FC:1001		790.00 DP
03 FC:1051		130.00 DP
04 FC:1203	30.00 DA	270.00 DP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
 - The line spacing on the specification, claims, or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), c,

1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$290** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1190** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$290**
 - **\$290** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE